

Message

From: Fisher, Mike [Fisher.Mike@epa.gov]
Sent: 2/16/2018 4:40:45 PM
To: Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]; Morgan, James [Morgan.James@epa.gov]; Speir, Jeffrey [speir.jeffrey@epa.gov]
CC: Kupchan, Simma [Kupchan.Simma@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]
Subject: RE: Florida's Criminal Negligence Provision and Relationship to our Regulations

Thanks, Phil – I read the statute yesterday, but it does not answer my question.

Ex. 5 AC/DP

Ex. 5 AC/DP

Happy to chat if you like – otherwise, please keep us posted.

Thanks --

Michael R. Fisher
Director, Legal Counsel Division
Office of Criminal Enforcement, Forensics & Training
U.S. EPA
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WJC South Room 1202D (Mail Code 2232A)
Washington, D.C. 20004
202 564 1063 (phone) : 202 501 0579 (fax)

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From: Mancusi-Ungaro, Philip
Sent: Friday, February 16, 2018 10:54 AM
To: Fisher, Mike <Fisher.Mike@epa.gov>; Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>
Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>
Subject: RE: Florida's Criminal Negligence Provision and Relationship to our Regulations

I was on another call when I sent you that spreadsheet. That spreadsheet includes both civil and criminal provisions, so to help focus your review, you have to look at several different statutes and rules.

Ex. 5 AC/DP

Phil

From: Fisher, Mike
Sent: Friday, February 16, 2018 9:33 AM
To: Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>
Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>
Subject: RE: Florida's Criminal Negligence Provision and Relationship to our Regulations

Hi Phil – I hope that we have already or can immediately add to our list of questions for the AG the one raised by JT's email

Ex. 5 AC/DP

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Please let us know.

Thanks --

PS -- to provide you with some additional info re our thinking on the issue, here is a note I sent JT last night after doing a little follow-up on the cases underlying those cited in his email:

Ex. 5 AC/DP

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From: Mancusi-Ungaro, Philip

Sent: Friday, February 16, 2018 9:23 AM

To: Morgan, James <Morgan.James@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>

Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>; Fisher, Mike <Fisher.Mike@epa.gov>; Hicks, Matt

<Hicks.Matthew@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>

Subject: RE: Florida's Criminal Negligence Provision and Relationship to our Regulations

JT, thanks for the quick turnaround. I have not had time to dig into this too deeply, this week has gotten away from me. I do plan to read it closely this weekend.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

So for now, I think we are waiting on Florida.

Thanks again,

Phil

From: Morgan, James

Sent: Thursday, February 15, 2018 3:09 PM

To: Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>

Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>; Fisher, Mike <Fisher.Mike@epa.gov>

Subject: Florida's Criminal Negligence Provision and Relationship to our Regulations

Per our discussion this morning, I have looked up the Florida case law on the matter of

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Happy to discuss further and will continue digging in to the Florida case law but that is my conclusion at this time.

Take care and let's discuss.

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